

KEVIN V. RYAN (CSBN 118321)
United States Attorney

EUMI L. CHOI (WVBN 0722)
Chief, Criminal Division

TRACIE L. BROWN (CSBN 184339)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, CA 94102
Telephone: (415) 436-6917
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 05 0427 JSW
Plaintiff,) [PROPOSED] ORDER AND STIPULATION
v.) EXCLUDING TIME FROM JULY 28, 2005
RONALD DUNCAN,) TO AUGUST 11, 2005 FROM THE SPEEDY
Defendant.) TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))

The parties appeared before the Court on July 28, 2005. The Court enters this order scheduling a further status hearing on August 11, 2005, at 2:30 p.m., before the Honorable Jeffrey S. White, and documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from July 28, 2005 to August 11, 2005. The parties agreed, and the Court found and held, as follows:

1. The defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the need for defense counsel to review discovery, and would deny the defendant continuity of counsel.

11

**STIPULATION AND ORDER
CR 05-0427 JSW**

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from July 28, 2005 to August 11, 2005, outweigh the best interest of the public and the defendant in a speedy trial. *Id.* § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from July 28, 2005 to August 11, 2005, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4. The Court scheduled a status hearing on August 11, 2005, at 2:30 p.m., before the Honorable Jeffrey S. White.

IT IS SO STIPULATED.

DATED: 8/2/05

/s/
TRACIE L. BROWN
Assistant United States Attorney

DATED: 8/8/05

/s/
RONALD TYLER
Attorney for Ronald Duncan

IT IS SO ORDERED.

DATED: August 11, 2005


THE HON. JEFFREY S. WHITE
United States District Judge